

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MICTA SERVICE CORPORATION et al.,

Plaintiffs,

v.

Case No. 05-CV-73020-DT

PHILIP DELONG, *Individually and as  
Successor Trustee to the Kenneth E. Johnson  
Revocable Trust, UAD Dated January 15,  
2001,*

Defendant.

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**TEMPORARY RESTRAINING ORDER**

This matter is before the court on Plaintiffs' Motion for Temporary Restraining Order. Defendant was given notice and appeared by counsel. The court has considered Plaintiffs' First Amended Verified Complaint, its Motion and Brief with exhibits and heard oral argument from the parties on August 19, 2005. For the reasons stated on the record and summarized in part herein, the court finds that Plaintiff has a substantial likelihood of success on the merits of the litigation, that the balance of harms favors Plaintiff, that the public interest would be served by maintaining the *status quo ante* July 12, 2005, and that unless Defendant is enjoined, Plaintiff will be irreparably harmed.

**IT IS ORDERED** that, until October 19, 2005, or earlier order of this court, Defendant Philip DeLong, individually and as successor trustee to the Kenneth E. Johnson Revocable Trust, UAD dated January 15, 2001, ("Defendant") his agents,

servants, employees, attorneys, and those persons in active concert and participation with them be and they hereby are restrained and enjoined as follows:

- A. Defendant shall not implement the results of a certain July 12, 2005 purported meeting of the shareholders of MSC; it is declared that the number of Directors of MSC shall not be altered from five (5) to one (1), and further declared that Defendant does not serve as sole Director on the Board of Directors of MSC;
- B. Defendant shall not implement the removal of John Rathje from his position as President and Director of both MSC and MiCTA SC, shall not remove any of the other officers and directors, and shall have no authority to dismiss the court action filed against himself individually and as Successor Trustee to the Kenneth E. Johnson Revocable Trust UAD January 15, 2001 (state case no. 05-4143-CK; federal case no. 05-73020);
- C. Defendant shall not attempt to obtain signing authority for any bank accounts of MSC and MiCTA SC;
- D. Defendant shall not take any action with regard to MSC and MiCTA SC by claiming to have any right to control either corporation; and
- E. Defendant shall not interfere in any way with a certain contract with MiCTA as existing or as renegotiated.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 23, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel record on this date, August 23, 2005, by electronic and/or ordinary mail.

S/Lisa G. Teets  
Case Manager and Deputy Clerk  
(313) 234-5522